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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,917	04/01/2002	Jacky Forestier	136.168	3274
7590	01/03/2006		EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100			CHOW, MING	
			ART UNIT	PAPER NUMBER
			2645	
DATE MAILED: 01/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/009,917	FORESTIER, JACKY
	Examiner Ming Chow	Art Unit 2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 23-40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-10-01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The reply filed on 10-28-05 is not fully responsive to the prior Office Action because: objections and rejections to claims 23, 27, 36, 39, 40 were not addressed. Applicant failed to argue if applicant traverses these objections. The Examiner waives the requirements for the Applicant to respond before the application is abandoned due to the non-responsiveness. However, Applicant is requested to address these objections and rejections at the next response, if any. The non-addressed objections and rejections are stated below.

Claim Objections

2. Claim 23 recites "the processing" (line 1). There is insufficient antecedent basis for these limitations in the claim.
3. Claim 27 recites "the correspondence" (line 3). There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “likely” (line 5) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

5. Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “likely” (line 5) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any

person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase “the preliminary recording of the voice print” is not disclosed by the specification. Although the specification disclosed an objective, on page 2 line 4, of such limitation. However, the specification disclosed, on page 5 line 17-18, the learning process is for voice recognition but not for recording of the voice print.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 23-28, 30-33, 35, 36, 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutzmann (US: 6327347), and in view of Comerford et al (US: 6107935).

Regarding claims 23, 24, 26, 31, 32, 33, 35, Gutzmann teaches on column 1 line 49 to column 2 line 48, column 6 line 1-24, authenticate a caller based on the voice print before connecting the caller to a called party.

Gutzmann teaches on column 4 line 48-52, the intrinsic feature includes the frequency spectrum (claimed “at least one piece of biometric data”) and smoothness characteristics (claimed “at least one other piece of biometric data”).

Gutzmann failed to teach “utterance identifies the called party”. However, Comerford et al teach on column 8 line 57-61, voice dialing to identify called party’s name.

It would have been obvious to one skilled at the time the invention was made to modify Gutzmann to have the “utterance identifies the called party” as taught by Comerford et al such that the modified system of Gutzmann would be able to support the system users an easy method of identifying called party by utterance.

Regarding claims 25, 39, see column 2 line 4-5.

Regarding claim 27, see column 4 line 54 to column 5 line 46.

Regarding claim 28, see column 5 line 34-46, the multiple steps of search in order to identify the calling party is a learning process.

Regarding claims 30, 38, see column 5 line 44-46.

Regarding claim 36, all rejections as stated in claim 35 above apply.

Gutzmann teaches on item 13 Fig. 1, central office (claimed “unit for processing telephone calls”).

Gutzmann teaches on Fig. 3 and 4, database.

Regarding claim 40, all rejections as stated in claim 23 above apply.

Gutzmann teaches on column 5 line 35, speech recognizer (claimed “RV”).

8. Claims 29, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutzmann, and in view of Comerford et al, and further in view of Mark (US: 5825871).

Gutzmann in view of Comerford et al as stated in claim 23 failed to teach “the checks are carried out randomly during communication”. However, Mark teaches on column 48 line 57-67, voice prints are checked on random basis.

It would have been obvious to one skilled at the time the invention was made to modify Gutzmann to have the “the checks are carried out randomly during communication” as taught by Mark such that the modified system of Gutzmann would be able to support the system users enhanced security.

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutzmann, and in view of Comerford et al.

The modified system of Gutzmann in view of Comerford as stated in claim 33 above failed to teach “the characteristic of the calling individual is the individual’s family name”. However, the contents of the voice print as taught by Gutzmann is a “decide choice”.

It would have been obvious to one skilled at the time the invention was made to modify Gutzmann to have the “the characteristic of the calling individual is the individual’s family name” such that the modified system of Gutzmann would be able to support the system users a specific verification by the family name.

Response to Arguments

10. Applicant's arguments filed on 10/28/05 have been fully considered.
 - i) Applicant argues, on page 8, regarding IDS. The argument is persuasive and an updated PTO-1449 is attached.
 - ii) Applicant argues, on page 9, regarding rejections to claim 28. The Examiner does not find the support to the claimed limitations. As Applicant cited, at page 4 line 13-27 of the current specifications, the voice print is recorded for the identification of the caller. The recording of the voice print does not include a learning process.

- iii) Applicant argues, on page 10, regarding “checking on the identity of the caller during the communication”. Gutzmann clearly teaches on column 1 line 49 to column 2 line 48, column 6 line 1-24, authenticate a caller (claimed “checking the identity of the caller”) based on the voice print before connecting the caller to a called party.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2645

11. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 571-273-8300.

Patent Examiner

Art Unit 2645

Ming Chow

(W)



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600